

## AMENDMENTS TO THE CLAIMS

1. (Cancelled)

2. (Currently Amended) A method for adjusting an alert sound in a portable telephone to prevent surprise or damage from the alert sound, comprising the steps of:

determining whether a user is proximate to the portable telephone, and if it is determined that the user is proximate to the portable telephone, determining whether if an alert sound adjusting mode is set when an incoming call is received;

generating the alert sound in a first level, if it is determined that the alert sound adjusting mode is not set;

generating the alert sound in a low level lower than the first level, if it is determined that the alert sound adjusting mode is set; and

adjusting the level of the alert sound to the first level after a predetermined time period, thereby allowing a user to recognize the incoming call and to move the portable telephone to prevent surprise or damage from the alert sound.

3. (Cancelled)

4. (Currently Amended) A method for generating an alert sound in a portable telephone having a proximity sensor installed in a receiver for detecting if a human body is adjacent to the receiver within a predetermined distance, said method comprising the following steps of:

determining if the human body is adjacent to the receiver when an incoming call is received to the receiver;

initially generating the alert sound in a normal level, if the human body is not detected adjacent to the receiver;

initially generating the alert sound in a low level lower than the normal level, if the human body is detected adjacent to the receiver; and

adjusting the level of the alert sound to the normal level after a certain time period.

5. (Currently Amended) A method of generating an alert sound in a portable telephone which has a flip or folder-type cover, a cover hatch sensor for detecting whether the cover is open or shut and a proximity sensor installed in a receiver for detecting if a human body is adjacent to the receiver within a predetermined distance, comprising the steps of:

determining if the cover is open and thereafter determining whether the human body is adjacent to the receiver based on the results of the determination of whether the cover is open, when an incoming call is received;

generating the alert sound in a normal level, if the cover is not open or the human body is not detected adjacent to the receiver;

generating the alert sound in a low level lower than the normal level, if the human body is detected adjacent to the receiver or the cover is open; and

adjusting the level of the alert sound to the normal level after a certain time period.

6. (Cancelled)

7. (Currently Amended) An apparatus for adjusting the level of an alert sound in a portable telephone having a flip or folder-type cover, said apparatus comprising:

a proximity sensor installed in a receiver for detecting if a human body is adjacent to the receiver within a predetermined distance;

an audio processing unit for generating and outputting the alert sound via a speaker; and

a controller for inspecting if the human body is adjacent to the receiver when an incoming call is received, initially generating the alert sound in a normal level through control of said audio processing unit if the human body is not detected adjacent[[,]] to the receiver, initially generating the alert sound in a low level lower than the normal level through control of said audio processing unit if the human body is detected adjacent to the receiver, and adjusting the level of the alert sound to the normal level after a certain time period.

8. (Currently Amended) An apparatus for adjusting the level of an alert sound in a portable telephone having a flip or folder-type cover, said apparatus comprising:

a cover hatch sensor for detecting if the cover is open;

a proximity sensor installed in a receiver for detecting if a human body is adjacent to the receiver within a predetermined distance;

an audio processing unit for generating and outputting the alert sound via a speaker; and

a controller for ~~inspecting if~~ determining whether the cover is open and if it is determined that the cover is open, determining whether the human body is adjacent to the receiver when an incoming call is received, generating the alert sound in a normal level through control of said audio processing unit if it is determined that the cover is not open ~~or the human body is not detected adjacent to the receiver~~, generating the alert sound in a low level lower than the normal level through control of said audio processing unit if it is determined that the cover is open and the human body is detected adjacent to the receiver, ~~or the cover is open~~, and adjusting the level of the alert sound to the normal level after a certain time period.